

PROB 12B
(Rev 04/17 D/HI)

United States District Court

for the

DISTRICT OF HAWAII

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII
Nov 27, 2017
SUE BEITIA, CLERK

**Request for Modifying the Conditions or Term of Supervision
With Consent of the Offender**
(Probation Form 49, Waiver of Hearing, is Attached)

Subject: WILLIAM CLARK TURNER

Case No.: CR 16-00207SOM-01

Name of Sentencing Judicial Officer:

The Honorable Susan Oki Mollway
U.S. District Judge

Original Offense: Interference with Flight Crew Members and Attendants, a Class C
felony

Date of Original Sentence: 6/5/2017

Original Sentence: 3 years probation

Current Term of Probation Commenced: 6/5/2017

NONCOMPLIANCE SUMMARY

The subject has not complied with the following condition(s) of supervision:

- 1. On 8/11/2017 the subject submitted a urine specimen that was found to contain marijuana, in violation of the General Condition.**

PETITIONING THE COURT

To modify the conditions of supervision as follows:

Special Condition No. 8: The defendant shall participate in a program (inpatient and/or outpatient) approved by the U.S. Probation Office for treatment of narcotic, drug, or alcohol dependency, which will include testing for the detection of substance use or abuse. The defendant shall abstain from the use of alcohol and/or all other intoxicants during and after completion of treatment. The defendant shall contribute to the costs of services rendered (copayment) at a rate of at least \$25.00 per month.

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Special Condition No. 9: The defendant shall participate in mental health treatment services as directed by the probation officer until successfully discharged. These services may include medications prescribed by a licensed physician. The defendant shall contribute to the costs of services rendered (copayment) at a rate of at least \$25.00 per month.

STATEMENT OF FACTS

On 6/5/2017, the subject was sentenced to probation and returned home to the Northern District of Texas. Jurisdiction of this case remains with the District of Hawaii. On 11/21/2017, the subject's probation officer provided notification that the subject was in violation for testing positive for marijuana, as noted above.

With regards to the subject's overall performance on probation, aside from the above-noted violation, he has remained in compliance with the conditions of supervision. While in Texas, the subject maintained employment as a physician. He was recently offered a job working at the Jamaica Hospital Medical Center in New York. The District of New York is presently considering acceptance of his supervision.

Based upon the subject's use of marijuana, the subject is agreeable to the addition of special conditions that allow for drug treatment and testing and mental health treatment. The subject's probation officer in the Northern District of Texas reviewed the Form 49 waiver of rights form and the subject signed the form acknowledging his desire to waive these rights and consent to the addition of the proposed conditions.

It is the recommendation of the subject's probation officer that the Court take no formal action, add the requested special conditions, and allow the subject to address his marijuana use through treatment. This officer concurs with this recommendation.

Respectfully submitted by:



MARK T. NUGENT
Supervising U.S. Probation Officer

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ORDER OF THE COURT:

☒ The Modifications of Conditions as Recommended

or

☐ Other



SUSAN OKI MOLLWAY

U.S. District Judge

November 27, 2017

Date

PROB 49

UNITED STATES DISTRICT COURT
for
NORTHERN DISTRICT OF TEXAS

**Waiver of Hearing to Modify Conditions of Probation
or Extend Term of Supervision**

United States of America

v.

Case No.: 1:16-CR-00207(1)

William Clark Turner

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation or to the proposed extension of my term of supervision:

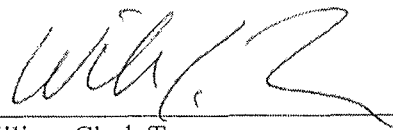
The defendant shall participate in a program (inpatient and/or outpatient) approved by the U.S. Probation Office for treatment of narcotic, drug, or alcohol dependency, which will include testing for the detection of substance use or abuse. The defendant shall abstain from the use of alcohol and/or all other intoxicants during and after completion of treatment. The defendant shall contribute to the costs of services rendered (copayment) at a rate of at least \$ 25.00 per month. (Macro 23A)

The defendant shall participate in mental health treatment services as directed by the probation officer until successfully discharged. These services may include medications prescribed by a licensed physician. The defendant shall contribute to the costs of services rendered (copayment) at a rate of at least \$25.00 per month. (Macro 24A)

Witness:


Monica Villegas
U.S. Probation Officer

Signed:


William Clark Turner
Probationer

Date: September 22, 2017